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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/710,368

11/10/2000

Michael Dean Whitmarsh

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06/10/2004

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EXAMINER

PHAM, THIERRY L

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 06/10/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/710,368

Applicant(s)

WHITMARSH ET AL.

Examiner

Thierry L Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Blumberg et al (U.S. 2003/0140315).

Regarding claim 1, Blumberg discloses a method of processing an image (on-demand print server processes the image before sending to the print provider, pars. 9-15, page 1) before printing of the image by a print provider, the method comprising the steps of:

- (1) defining a print processing system controller (on-demand print server, fig. 3) having a network communication link (Internet network, fig. 3);
- (2) receiving at the print processing system controller a print request (i.e. document/image print order requests with finishing options, fig. 6, pars. 9-15, page 1 and pars. 28-34, page 2) and a data file (i.e. finishing options such as colors selection for print orders/requests, pars. 28-29, page 2) for the image via the network communication link; and
- (3) determining an appropriate application (i.e. determining and selecting the type of output media for print orders, pars. 28-29, page 2) for the image via the print processing system controller, including processing the print request and the data file for the image to determine the appropriate application for the image (on-demand print server receives a print order (images/documents printing) with finishing options selected by the users/customers and then on-demand print server determines which print provider most compatible for servicing/printing the print order as requested, figs. 2-6, pars. 9-15, page 1 and pars. 28-34, page 2, and pars. 142-147, page 7).

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Regarding claim 2, Blumberg further discloses the method of claim 1, wherein the network communication link includes an Internet communication link (Internet communication network, fig. 3).

Regarding claim 3, Blumberg further discloses the method of claim 1, further comprising the step of: defining the network communication link between a customer and the print processing system controller, and wherein the step of receiving the print request and the data file for the image includes receiving the print request and the data file (pars. 28-34, page 2) for the image from the customer via the network communication link.

Regarding claim 4, Blumberg further discloses the method of claim 1, further comprising the steps of: defining the network communication link between a customer and the print processing system controller (fig. 3, pars. 148-154, page 7); and reporting the appropriate application (pars. 28-34, page 2) for the image to the customer via the network communication link.

Regarding claim 5, Blumberg further discloses the method of claim 1, further comprising the step of: defining the network communication link between the print provider and the print processing system controller (fig. 3), and wherein the step of receiving the print request and the data file for the image includes receiving the print request and the data file for the image (i.e. finishing options, pars. 28-34, page 2) from the print provider via the network communication link.

Regarding claim 6, Blumberg further discloses the method of claim 1, further comprising the step of: defining the network communication link between the print processing system controller (communication network, fig. 3) and at least one of a content provider (print provider, par. 34, pages 2-3) offering a plurality of images (pre-defined templates, pars. 28-44, pages 2-3) and an application provider offering an application for the image, and wherein the step of receiving the print request and the data file for the image includes receiving the print request and

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the data file for the image from the at least one of the content provider (pars. 28-44, pages 2-3) and the application provider via the network communication link.

Regarding claim 7, Blumberg further discloses the method of claim 1, wherein the step of receiving the print request and the data file for the image includes specifying an application for the image (i.e. output media, pars. 28-34, page 2), and wherein the step of determining the appropriate application for the image includes determining whether the application is appropriate for the image.

Regarding claim 8, Blumberg further discloses the method of claim 1, wherein the step of receiving the print request and the data file for the image includes specifying at least one of a print medium size and a print medium type for the image, and wherein the step of determining the appropriate application for the image includes determining whether the at least one of the print medium size and the print medium type (media type and size, par. 28-34, page 2) is appropriate for the image.

Regarding claim 9, Blumberg further discloses the method of claim 1, wherein the step of receiving the print request and the data file for the image includes receiving a request for a plurality of appropriate applications (media type and size, par. 28-34, page 2) for the image.

Regarding claim 10, Blumberg further discloses the method of claim 1, wherein the step of determining the appropriate application for the image includes determining an appropriate print medium size for the image (media type and size, par. 28-34, page 2).

Regarding claim 11, Blumberg further discloses the method of claim 1, wherein the step of determining the appropriate application for the image includes determining an appropriate quality (i.e. colors finishing options, pars. 28-34, page 2) for the image.

Regarding claim 12, Blumberg further discloses the method of claim 1, wherein the step of determining the appropriate application for the image includes processing the data file for the image and determining from the data file at least one of a print resolution of the image, a bit depth of the image, a size of the image, a file size of the image and a quality of the image (par. 28-34, page 2).

Regarding claim 13, Blumberg further discloses the method of claim 12, wherein the step of receiving the print request and the data file for the image includes specifying at least one of a print medium size and a print medium type for the image (media type and size, pars. 28-34, page 2), and wherein the step of determining the appropriate application for the image further includes determining whether the at least one of the print medium size and the print medium type (media type and size, pars. 28-34, page 2) is appropriate for the image.

Regarding claims 14-26, please see rejection rationale/basis as described in claims 1-13 above for more details.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) U.S. 6330542 to Sevcik, discloses a method and apparatus (internet quoting server) for receiving an print order with finishing options (i.e. quantity and quality) from the customer and finding the best compatible print provider/vendors for servicing/printing the requested print order.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER